

Filed

1/11/2017

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

Clerk, U. S. District Court
Western District of Texas

By

am

Deputy

**ALLIED LOMAR, INC.
Plaintiff,**

-vs-

**CAUSE NO.:
A-14-CA-01078-SS**

**LONE STAR DISTILLERY, LLC d/b/a
GARRISON BROTHERS
DISTILLERY, and DOES 1 THROUGH
10,
Defendants.**

Verdict Form

This Verdict Form contains 7 questions. Depending on your answers, you may not be required to answer all questions. Consult the "roadmap" instructions following each question to determine, based on your answer to that question, which question, if any, you should answer next.

Question 1
Likelihood of Confusion

Do you find, by a preponderance of the evidence, that the Garrison Brothers' sale of COWBOY BOURBON created a likelihood of confusion with Allied's trademark COWBOY LITTLE BARREL?

Answer "Yes" or "No."

ANSWER: NO
(Yes/No)

Proceed to the Question 2.

Question 2

Cancellation Counterclaim: No Use in Commerce at Registration

Do you find, by a preponderance of the evidence, that Allied's registration of COWBOY LITTLE BARREL is invalid because the trademark was not in use in commerce as of February 8, 2001?

Answer "Yes" or "No."

ANSWER: NO
(Yes/No)

Proceed to Question 3.

Question 3
Cancellation Counterclaim: Fraudulent Filing

Do you find, by clear and convincing evidence, that Allied's registration of COWBOY LITTLE BARREL is invalid because Allied made false statements to the United States Patent and Trademark Office with the intent to deceive?

Answer "Yes" or "No."

ANSWER: NO
(Yes/No)

If you answered "No" to Question 1, "Yes" to Question 2, OR "Yes" to Question 3, this ends your deliberations, and your foreperson should sign and date the last page of this verdict form.

If you answered is "Yes" to Question 1, "No" to Question 2, AND "No" to Question 3, go to the next question.

Question 4
Defense: Abandonment

Do you find, by a preponderance of the evidence, that Allied abandoned its COWBOY
LITTLE BARREL trademark?

Answer "Yes" or "No."

ANSWER: Yes
(Yes/No)

If your answer is "Yes," this ends your deliberations, and your foreperson should sign and date the last page of this verdict form.

If your answer is "No," go to the next question.

Question 5
Infringement & Unfair Competition: Harm

Do you find, by a preponderance of the evidence, Allied was damaged by Garrison Brothers' use of the mark COWBOY BOURBON?

Answer "Yes" or "No."

ANSWER: _____
(Yes/No)

If your answer is "No," this ends your deliberations, and your foreperson should sign and date the last page of this verdict form.

If your answer is "Yes," go to the next question.

Question 6
Trademark Infringement—Willfulness

Do you find, by a preponderance of the evidence, Garrison Brothers willfully infringed Allied's trademark COWBOY LITTLE BARREL?

Answer "Yes" or "No."

ANSWER: _____
(Yes/No)

Proceed to Question 7.

Question 7
Damages

What sum of money, if any, do you find would fairly and reasonably compensate Allied for Garrison Brothers' infringement?

Answer in dollars and cents, or none.

ANSWER: _____

Proceed to the final page of the Verdict Form.

Certification of Unanimous Verdict

You have answered all required questions. Please have the Presiding Juror sign and date

the Verdict Form, and inform the court security officer you have reached a verdict.

ORIGINAL SIGNATURE
REDACTED PURSUANT TO
E-GOVERNMENT ACT OF 2002
Presiding Juror

1/11/17
Date